

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the after-final phone interview on July 28, 2009, where the Section 112 and 103 rejections and possible amendments for overcoming the rejections were discussed. We appreciate the courtesy and helpfulness of the Examiner in the interview. The claims have been amended in light of the interview.

35 USC Section 112 Rejections

The Section 112 rejections to claims 1-15, 21-22, 24, and 26-27 are traversed by appropriate amendments to claims 1, 21-22, and 24.

Applicants would like to point out that paragraph [16] of the specification clarifies that different planning tools may be used. Paragraph [16] states that “[f]or example, one type of planning tool is MetroPlannerTM by Cisco Systems, Inc.,” and that “[i]t should be apparent that any suitable types of planning tools can be used.”

To further address the Section 112 rejections, the limitation “using a network planning tool prior to a time of operation of the digital network to define a plurality of recommended routes” has been deleted from the independent claims.

35 USC Section 103 Rejections

Claims 1, 21-22, and 24 are the only remaining independent claims in the present application. Each of these claims includes a limitation neither disclosed by, nor made obvious in view of the prior art references. For example, amended independent claim 1 recites the combination of “sending the list of recommended routes to a network device in the digital network,” and “selecting, by the network device, one of the recommended routes.” The other amended independent claims recite limitations of similar scope. The Cisco MetroPlanner describes some aspects of routing strategies such as a maximum number of allowed connectivities, but the Cisco MetroPlanner does not teach or suggest a list of recommended routes, as recited in amended independent claim 1, and the Cisco MetroPlanner does not teach or suggest sending such a list of recommended routes to a network device in the digital network. The Cisco MetroPlanner also does not teach or suggest a selection aspect by a network device,

where a network device selects one of the recommended routes, as recited in amended independent claim 1. Blouin does not disclose any use of a planning tool or network planning information.

Amended independent claim 1 also recites, “monitoring, by the network device, performance of the list of recommended routes at the time of operation of the digital network.” Neither the Cisco MetroPlanner nor Blouin mention or suggest monitoring the performance of a list of recommended routes at the time of operation.

Amended dependent claim 3 recites, “wherein the performance of the list of recommended routes is measured by a hit ratio.” As indicated above, the cited references do not teach or suggest a performance of a list of recommended routes. Applicants respectfully submit that the cited references do not teach or suggest a performance of the list of recommended routes that is measured by a hit ratio.

Amended dependent claim 9 recites the combination of “generating an alternative list of recommended routes if the performance of the list of recommended routes is determined to be inefficient at the time of operation of the digital network,” and “switching to the alternative list of recommended routes.” Again, the cited references do not teach or suggest a performance of a list of recommended routes. Furthermore, the cited references do not mention or suggest any determination of inefficiency of the performance of a list of recommended routes at the time of operation.

Amended dependent claim 26 recites, “wherein at least one recommended route of the plurality of recommended routes is configured for maximum volume rather than shortest path.” Applicants respectfully submit that the cited references do not teach or suggest these limitations. The Cisco MetroPlanner mentions a maximum number of allowed connectivities, but does not mention or suggest that a plurality of recommended routes is configured for maximum volume, as recited in amended independent claim 26. Blouin also does not teach or suggest these limitations.

New claim 28 recites “determining where regeneration of a signal along an optical path in the selected recommended route is required.” These limitations were taken from paragraph [20] of the specification. Applicants respectfully submit that the cited references do not teach or suggest these limitations, and, in particular, do not teach or suggest “regeneration of

Application No.: 10/815,889
Attorney Ref.: 100101-000300US
Client Ref.: 379829

a signal along an optical path in the selected recommended route” or determining when such regeneration is required.

Applicants respectfully submit that the present claims are in condition for allowance and an early Notice of Allowance is earnestly sought. The undersigned may be contacted at the telephone number below at the Examiner’s convenience if it would help in the prosecution of this matter.

Respectfully submitted,

TRELLIS INTELLECTUAL PROPERTY
LAW GROUP, PC

Date: September 20, 2009

By___/Joseph L. Acayan/___
Joseph L. Acayan
Reg. No. 52,402
Tel.: 650-842-0300